

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Casillas et al.

Serial No.: 10/748,420

Filed: December 30, 2003

For: MAXIMUM EXTENDED LOAD LINE
LIMIT ANALYSIS FOR A BOILING
WATER NUCLEAR REACTOR

: Art Unit: 3641
 :
 : Examiner: R. Palabrica
 :
 :
 :

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
 Response To Restriction Requirement (2 pgs.), in response to Office Action dated
 October 22, 2004
 Return Post Card

STATUS

2. Applicant

Claims small entity status.
 is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV504793445US

Date: November 19, 2004

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael Tersillo, Reg. No. 42,180

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 110.00	\$ 55.00
<input type="checkbox"/> second month	\$ 430.00	\$ 215.00
<input type="checkbox"/> third month	\$ 980.00	\$ 490.00
<input type="checkbox"/> fourth month	\$1,530.00	\$ 765.00
<input type="checkbox"/> fifth month	\$2,080.00	\$1,040.00
	Fee Due	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____.

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL. RATE FEE	OR	ADDITIONAL RATE FEE
TOTAL INDEP.		MINUS		=	x \$9 = \$		x \$18 = \$
		MINUS		=	x \$44 = \$		x \$88 = \$
<u>— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u>				+ \$150 = \$		+ \$300 = \$	
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$	

(a) No additional fee for Claims is required

OR

(b) Total additional fee for claims required \$

FEE PAYMENT

5. _____ Attached is a check in the sum of \$_____

Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

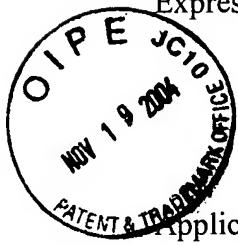
AND/OR

If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. Other:



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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

In response to the Office Action dated October 22, 2004, Applicants elect for prosecution in this application all claims that belong to Group II, i.e., Claims 23-25 and 27-32.

The requirement for election is traversed because the inventions set out by the claims in Groups I and II clearly are related. Applicants submit that a thorough search and examination of either Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

Further, the Office Action has not shown the claims of Group I and the claims of Group II are patentably distinct in accordance with MPEP §806.05(e). Particularly, the Office Action has not shown that the apparatus as claimed can be used to practice another and materially different process. Particularly, the Office Action suggests at page 2 that "the apparatus can be used to provide either baseline data for intended plant modifications, or information for updating

operator-training programs, including plant simulator training". Applicants submit that providing either baseline data for intended plant modifications, or information for updating operator-training programs, including plant simulator training is not a materially different process than the process recited in the claims of Group II. Particularly, Claim 27 (Group II) recites the steps of "evaluating plant maneuvers; evaluating frequent plant transients; evaluating plant fuel operating margins; evaluating operator training; evaluating plant equipment response and setpoints". Applicants submit that these steps include providing baseline data for intended plant modifications, and/or information for updating operator-training programs. Accordingly, Applicants submit that the Claims of Group I are not patently distinct from the Claims of Group II, and that the restriction requirement is improper.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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